

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH & HUMAN SERVICES

Call to Order: By **CHAIRMAN DAVE LEWIS**, on February 2, 2001 at 8:10 A.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Dave Lewis, Chairman (R)
Sen. John Cobb, Vice Chairman (R)
Rep. Edith Clark (R)
Rep. Joey Jayne (D)
Sen. Mignon Waterman (D)

Members Excused: Sen. Bob Keenan (R)

Members Absent: None.

Staff Present: Robert V. Andersen, OBPP
Pat Gervais, Legislative Branch
Sydney Taber, Committee Secretary
Connie Welsh, OBPP

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: Child and Family Services -
Child Protective Services
Proposal, Public Testimony
Executive Action: None.

{Tape : 1; Side : A; Approx. Time Counter : 0.3-15.8}

Chuck Hunter, Child and Family Services, reviewed the decision packages that his Division has requested **EXHIBIT(jhh27a01)**. In highlighting DP 39, **Mr. Hunter** stated that the Division has reached the level of capacity for moving adoptions through the system. The rate of increase is declining and is based upon a 15% growth trend. **CHAIRMAN LEWIS** asked why the subsidized adoption growth rate has dropped, and **Mr. Hunter** answered that the decline is due to the capacity of the staff to process cases. There have been improvements in the processing time for

subsidized adoptions from 12 or 14 months to 1 week, but given the time that it takes to do all the work, **Mr. Hunter** believes that they are reaching capacity.

Mr. Hunter reviewed DP 40 the foster care caseload increase, which is projected at a 3% growth rate each year of the biennium. He then reviewed the TANF and Title XX issues regarding DP 40.

Mr. Hunter observed that the proposed shift in funding is an adjustment line that is arrived at through all the funding shifts and rate changes proposed on February 1 in the information provided by Dave Thorsen.

{Tape : 1; Side : A; Approx. Time Counter : 15.8}

Pat Gervais, Legislative Fiscal Division (LFD), mentioned that there were five months of transactions that were not posted from CAPS into the accounting system. The funding shift includes recognition of the funding shift created by unrecorded third party revenue and increases that revenue to \$1.1 million, which is consistent with historical experience.

CHAIRMAN LEWIS asked how \$680,000 could be lost in the CAPS system and only just now surface. **Mr. Hunter** stated that he would arrange for someone from the Operations and Technology Division (OTD) to explain to the Committee what had happened.

Mr. Hunter continued with his review of decision package issues and highlighted DP 139, a request for increased funding and 6 new FTE, which he believes is the most serious issue that they must deal with.

An independent study conducted by Hornsby Zeller Associates, Inc., **EXHIBIT(jhh27a02)**, recommended that the Division hire 70 new workers to adequately handle the caseload. There is a time and quality issue involved in this area, and **Mr. Hunter** presented a proposal to centralize the intake function, which would require 3 new FTE and would standardize information gathering and screening.

{Tape : 1; Side : A; Approx. Time Counter : 30.1}

CHAIRMAN LEWIS asked **Mr. Hunter** if centralized intake is better than having 6 FTE in the field. **Mr. Hunter** responded that it is and reviewed the proposal for the centralized intake system **EXHIBIT(jhh27a03)**, which is a systemic change that will be more efficient for the Department and better for families across Montana.

{Tape : 1; Side : A; Approx. Time Counter : 43.5-49.5}

REP. JAYNE asked **Mr. Hunter** how many employees they currently have and how the new FTE would impact the Division. **Mr. Hunter** responded that a staff of 326 would be increased to 332 and the major effect, in terms of staffing, would be that 14 positions doing intake work throughout the state would be moved to a central location, probably in Helena.

A handout with information on the changes in DP 139 from the original proposal, the Racicot budget, and the Martz budget was presented to the Committee **EXHIBIT (jhh27a04)**.

{Tape : 1; Side : B; Approx. Time Counter : 0.8-18.3}

Mr. Hunter expanded on DP 62 the field operations increase and distributed information on field operations to Committee members **EXHIBIT (jhh27a05)**. There have been a number of rent increases imposed over the last three years; and the Division's requests for corresponding budget increases have been denied. There has also been an increase in overtime costs due to 24 hours a day, 7 days a week service. Employees have been using comp time or not recording the time they work.

DP 64, requests funding for a two-year computer replacement process. The Division hopes to get to a four-year replacement schedule on the computer equipment.

There was a correction of the Big Brothers and Big Sisters base year; this was a posting error in SABHRS, so it shows up in DP 301 as an adjustment item when it actually takes them back to the base that they had all along. In response to queries from **CHAIRMAN LEWIS**, **Ms. Gervais** explained that the expenses were recorded in a pre-pay account, which means that the actual cost account was not charged or the pre-pay cleared at the end of the year.

Mr. Hunter continued with the LFD issue in DP 889, which is an adjustment of \$937,000 of IV-E funds expended in tribal contracts for children in foster care that did not get posted. **Ms. Gervais** explained that this \$937,000 resulted in the foster care base budget being understated, so rather than a \$15.3 million base, the Department actually has a \$16.2 million expenditure in the base year.

{Tape : 1; Side : B; Approx. Time Counter : 18.3-28.5}

REP. JAYNE asked if there is money to fund case management for Fort Peck in the request. **Mr. Hunter** said that there was money to fund a case management contract at Fort Peck, but that it was removed from the budget, and the contract has been postponed until they are ready to provide the services.

Deb Foskitt, an investigator for the Helena Police Department, does follow up on domestic violence and sex crimes for Helena. The police have not been effective in dealing with domestic violence in the past, but they now work with social service providers as a team to deal with domestic violence. The social workers are knowledgeable about the resources available to help in domestic situations and using them allows the police to save time and to use the best intervention possible for family members. The social worker is on-site and can see what the conditions are for the children in a family, which allows them to take the necessary steps for the safety of the children. Locally, the police and social workers have briefings for training and information, which **Ms. Foskitt** considers a valuable resource. Many of the problems in families do not require a police solution, so this service provides a holistic approach to protecting children and providing necessary intervention.

{Tape : 1; Side : B; Approx. Time Counter : 28.5-51.4}

Carolyn Clemens, Deputy Lewis and Clark County Attorney, handles child abuse and neglect cases in the county and determines the best legal way to handle the cases that come to the county. She is in regular contact with case workers and is notified whenever there is a decision to remove a child from a home. She reviewed the process used to remove children from families and stressed that it is not a process taken lightly. When the department does intervene, it makes a report on what type of intervention should be done, which must be given to the county attorney within 48 hours and then must go to the judge. The report that goes to the court also contains a statement from the parents regarding the cause of the problem. Should a judge approve removal of a child or intervention in a family by the Department, the parents may go to court and contest the process. Those hearings are required to be expedited.

Once a child is removed from a home, the focus in the Department shifts to creating an atmosphere in the home so that child may be returned to the home. The Department does family group conferencing to try to put together a plan that will allow children and parents to reunite or resolve problems in the home. That plan is submitted to the court for approval, and the parents may contest the plan if they disagree with it. Over the last several legislative sessions, time frames over which children may be out of the home have been narrowed. Because of the shorter time frames, more intensive work in a shorter time must be done with families, and the need for in-home services becomes apparent.

There are situations where children will be permanently removed from the home and situations in which the parent refuses the

children being returned to the home. In these cases, the county goes to court to terminate parental rights, at which times parents may again contest.

{Tape : 2; Side : A; Approx. Time Counter : .3-2.0}

Ms. Clemens suggested that putting resources into families early will prevent the intergenerational dysfunction that she has seen in many of the families that the Department and County have dealt with over the years.

{Tape : 2; Side : A; Approx. Time Counter : 2-10.4}

Jeff Sherlock, District Court Judge in Helena, stated that child neglect and abuse cases are given priority over most cases on the docket in Helena. **Mr. Sherlock** concurred with **Ms. Clemens** on the thoughtful job that social workers do in stressful situations. Judicial action is woven into any action that the social workers or county may deem necessary. The court relies heavily on what the social workers and parents have to say. He reviewed the court process in Helena: parents are provided with an attorney and children are provided with a citizen guardian and attorney. He echoed **Ms. Clemens'** statement regarding the generational nature of the cases they see. Early intervention and mediation removes the confrontation that occurs when things get to court. The social workers, county staff, and the court work closely to see that the process occurs expeditiously so that children are not kept out of the home too long.

{Tape : 2; Side : A; Approx. Time Counter : 10.4-49.9}

David Morales, Director of the Child and Family Intervention Center in Billings, has worked to keep children off the streets and in schools and presented a personal perspective on the issue of child abuse and neglect. He too has seen the generational problem with families and child abuse and neglect. **Mr. Morales** went over the role that the Intervention Center has in the Billings area. He stressed the importance of intervention by family services and made a plea for funding for personnel and resources. He presented a written statement **EXHIBIT (jhh27a06)**.

PUBLIC TESTIMONY ON BIG BROTHERS AND BIG SISTERS

{Tape : 2; Side : B; Approx. Time Counter : .4-7.0}

Kathy McGowan testified on behalf of Big Brothers and Big Sisters and the impact that the program can have in the life of a child. She requested that the Committee reinstate the funding for the program.

{Tape : 2; Side : B; Approx. Time Counter : 7-16.6}

Chaz Cantlin, Executive Director for Big Brothers and Big Sisters in Lake County, testified on behalf of Big Brothers and Big

Sisters and presented information on the program to the Committee **EXHIBIT**(jhh27a07).

{Tape : 2; Side : B; Approx. Time Counter : 16.6-24.6}

Jack Sands, Big Brothers and Big Sisters, requested that the Committee provide greater funding for the program than is reflected in the budget. The program works to provide a wider range of experience and opportunity as well as stability for children.

{Tape : 2; Side : B; Approx. Time Counter : 26.6-29.5}

Peggy Leonard, a parent involved in the Big Brothers and Big Sisters program, testified to the value of the program in her sons' lives. As a single mother, she valued the men that acted as mentors to her sons so that they would know what it is to be good and honorable men.

{Tape : 2; Side : B; Approx. Time Counter : 29.5-36.6}

Marko Lusage, Chief Juvenile Probation Officer for Silver Bow County, expressed his belief in the Big Brothers Big Sisters program. It has good outcomes and serves many children for a modest investment, and he urged the Committee to support the program.

PUBLIC TESTIMONY ON FAMILY-BASED SERVICES

{Tape : 2; Side : B; Approx. Time Counter : 36.6}

Bob Deaton, Friends of Youth in Missoula, testified in support of family-based services, partnership, and support of general fund, and he presented information on family preservation services offered by his program **EXHIBIT**(jhh27a08). He also presented written testimony in support of the budget request and program goals of the Child and Family Services Division **EXHIBIT**(jhh27a09).

{Tape : 3; Side : A; Approx. Time Counter : 0.3-10.6}

Roma Bargett expressed her support of foster care, family-based therapy, and the Big Brothers and Big Sisters program. State supported foster care and family-based therapy could save families and could also save the state money.

{Tape : 3; Side : A; Approx. Time Counter : 10.6-14.7}

Nancy Greer, a parent who lost her children to foster care, expressed her support of the Friends of Youth program and expressed her gratitude to those who work there in teaching her how to be a responsible parent so that her children could be returned to her. She urged the Committee to support funding for these services.

{Tape : 3; Side : A; Approx. Time Counter : 14.7-18.8}

Diane Hanson, a home visitor with Family Support Network in Billings, works with families whose children are at risk of neglect and abuse. She touched on the issues that the workers deal with and the services provided, and she expressed the need for the services and funding for the Child and Family Services Division.

{Tape : 3; Side : A; Approx. Time Counter : 18.8-23.2}

Frank C. Redmond expressed his support of the family-based services and the help they had provided him in being a better parent. Day care has become exorbitant even with the state helping, and he wants the system to work better.

{Tape : 3; Side : A; Approx. Time Counter : 23.2-37.4}

Sara Biggens reviewed her life as an out-of-control youth, alcoholic, drug addict, and teen-age parent for the Committee and expressed her support for the family services program. She expressed the need for a support system for drug addicts and alcoholic parents who are trying to get their lives back together. She lost her parental rights and is now trying to become a good and productive person, but it requires a lot of support from the system.

PUBLIC TESTIMONY IN SUPPORT OF ADOPTION AND FOSTER CARE SERVICES

{Tape : 3; Side : A; Approx. Time Counter : 37.9-41.9}

Brendalee Fleming, Montana State Foster/Adoptive Parent Association, read her written statement in support of in-home services for foster children and urged the Committee to fully fund the Child and Family Services budget **EXHIBIT(jhh27a10)**. She stressed that more not fewer services are needed.

{Tape : 3; Side : A; Approx. Time Counter : 41.9-51.4}

Twila Costigan, Montana State Foster/Adoptive Parent Association, spoke in support of the foster and adoptive family services and presented a newsletter from the organization **EXHIBIT(jhh27a11)**. She stressed the need for more funding not less, and she reviewed issues of concern: 1) the need for more foster and adoptive parents, 2) ongoing training for foster and adoptive parents, 3) in-home services, and 4) respite services for foster families.

{Tape : 3; Side : B; Approx. Time Counter : 0.3-2.2}

Ms. Costigan mentioned legislation that the association is supporting and encouraged the Committee to fully fund the Division's budget, adding to it where possible.

{Tape : 3; Side : B; Approx. Time Counter : 2.4-11.1}

Andree Deligdisch, a licensed clinical social worker from Great Falls, urged the Committee to support: 1) in-home services for children, 2) adequate staff and follow-up when children are removed from the home, and 3) post adoptive service support. **Ms. Deligdisch** expressed support for the budget proposed by the Division with the suggestion that more social workers are needed. She submitted written testimony **EXHIBIT(jhh27a12)**.

{Tape : 3; Side : B; Approx. Time Counter : 11.1-26.4}

Colleen Murphy, Executive Director of the Montana Chapter of the National Association of Social Workers, asked the Committee to support the Child and Family Services budget and not make any further cuts. She read her statement **EXHIBIT(jhh27a13)** and submitted information on caseload and workload ratios **EXHIBIT(jhh27a14)**. She further discussed the educational requirements, time and stress involved in the field, and the lack of appropriate compensation for social workers. She also touched on legislation that the association supports.

{Tape : 3; Side : B; Approx. Time Counter : 26.4-30.0}

Janie McCall representing Aware, Intermountain Children's Home, Incare Network, Missoula Youth Home, Sales to Boys and Girls Ranch, and Youth Dynamics, spoke to offer their support to the Division and the incredible work that it does and the budget for all of its proposals. **Ms. McCall** spoke, as Chair of the Youth Justice Council for the State of Montana, in support of the Division proposal for a community collaboration specialist for Title IV-E funds.

{Tape : 3; Side : B; Approx. Time Counter : 30-37.7}

John Wilkinson, CEO for Intermountain Children Services in Helena, offered testimony in support of out-of-home care when it is necessary. He stressed that his organization supports any services that will prevent children from needing residential treatment.

{Tape : 3; Side : B; Approx. Time Counter : 37.7-49.3}

Cindy Dolan, a private citizen from Great Falls, started a group called For the Children, which investigates the gaps in child support issues. She expressed the need for wrap around services and support for the budget. She stressed the need for: foster and adoptive parent training; caseload reductions; in-home services; case managers; and technology support.

{Tape : 3; Side : B; Approx. Time Counter : 49.3-51.2}

{Tape : 4; Side : A; Approx. Time Counter : 0.3 - 3.3}

Ann Gilkey, a volunteer court appointed special advocate, expressed admiration for the Child and Family Services staff and requested that the Committee support the Division and the infrastructure. Not all county court systems are as dedicated and prompt as Lewis and Clark County. The Department is in a crisis situation so the entire system is in crisis. She supports the structural and budgetary needs of the Division.

{Tape : 4; Side : A; Approx. Time Counter : 3.3-7.0}

Sharon Hoff-Broadway, Montana Catholic Conference, stressed the need for a strong support system for families. She offered support for: post adoptive services; foster family services; preventive measures such as Big Brothers and Big Sisters; in-home services to promote family stability; and family group conferencing. She encouraged the use of volunteer and non-profit agencies as well.

{Tape : 4; Side : A; Approx. Time Counter : 7-22.5}

Nancy Smith, Executive Member of the National Association of Social Workers, Montana Chapter, stated that the association is unified in its commitment to the children of Montana. She reviewed the many issues in which she is involved as a social worker in Mineral County and stressed the need for complete funding of Child and Family Services. She pleaded with the Committee to not make further cuts to the budget.

{Tape : 4; Side : A; Approx. Time Counter : 22.5-23.7}

Sherry Meador, Court Assessment Project, agreed with Ann Gilkey's statements and requested that the Committee support the Division's Budget, and when possible increase it to include field staff to deal with the increased number and complexity of cases.

{Tape : 4; Side : A; Approx. Time Counter : 23.7}

Al Davis, Mental Health Association for the State of Montana, asked the Committee to consider the impact that budget manipulations have on those who work in the system and on the quality of life and services for the children that end up in the system. He expressed confidence in Director Gray and the hope that she and her staff will be allowed the flexibility to make significant changes in dealing with children in the system.

Mr. Hunter submitted an executive planning process request form **EXHIBIT (jhh27a15)** and Child and Family Services spreadsheet on Governor Martz's budget reductions **EXHIBIT (jhh27a16)**.

The following written statements in support of the Child and Family Services budget were submitted:

EXHIBIT (jhh27a17) Ron Walters, Court Services Officer

EXHIBIT (jhh27a18) Shawn Byrne, Director of Case Management
for Yellowstone Boys and Girls Ranch

EXHIBIT (jhh27a19) Roxanne Roller

EXHIBIT (jhh27a20) Shirley R. Folkwein, Chair, State Child
and Family Services Advisory Council

EXHIBIT (jhh27a21) Sandy Velin

EXHIBIT (jhh27a22) Bobbie Jean Curtis

ADJOURNMENT

Adjournment: 11:55 A.M.

REP. DAVE LEWIS, Chairman

SYDNEY TABER, Secretary

DL/ST

EXHIBIT (jhh27aad)